



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 2, 2023

BY ECF and Email

Honorable John P. Cronan
United States District Judge
Southern District of New York
500 Pearl Street, Room 1320
New York, New York 10007

Re: *United States v. Eliot Bacolas*, 21 Cr. 242 (JPC)

Dear Judge Cronan:

The Government submits this letter in advance of the February 6, 2023 conference in the above-captioned matter. On August 16, 2022, defense counsel transmitted a mitigation submission for consideration by the Government. On or about January 9, 2023, the United States Attorney's Office heard additional arguments from defense counsel regarding the initial decision of the mitigation committee. At present, the parties are engaged in continuing discussions pending a final decision regarding potential mitigation. Accordingly, the parties respectfully request a 45-day adjournment to allow (i) the Government to continue to consider the mitigation request and reach a final decision; and (ii) the parties to finalize discussions regarding a pre-trial resolution. Should the Court grant this request, we further request that time be excluded under the Speedy Trial Act from February 6, 2023 until the date of the next-scheduled conference. The Government respectfully submits that the proposed exclusion would be in the interest of justice. Defense counsel has no objection to the exclusion of time.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: *Ashley C. Nicolas*
Ashley C. Nicolas
Assistant United States Attorney

cc: Peter Katz, Esq. (by email)

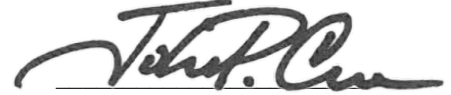
The conference currently scheduled for February 6, 2023 is adjourned until March 23, 2023, at 2:00 p.m. in Courtroom 12D of 500 Pearl Street, New York, New York 10007. The Court also grants Defendant's request to exclude time under the Speedy Trial Act between February 6, 2023 and March 23, 2023. The Court finds that, pursuant to 18 U.S.C. 3161(h)(7) (A), the ends of justice served by excluding time until March 23, 2023 outweigh the interests of the public and the Defendant in a speedy trial, by allowing time for the Government and Defendant to finish their discussions regarding a pre-trial resolution of this case.

The Clerk of the Court is respectfully directed to close the motion pending at Docket Number 39.

SO ORDERED.

Date: February 2, 2023

New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge